

the blood; and that the catnep herb was effective as a treatment, remedy, and cure for colic in children, and as an emmenagogue in amenorrhea and dysmenorrhea.

On September 22, 1938, pleas of nolo contendere were entered on behalf of the defendants, and on October 23, 1938 the court imposed a fine of \$150 against the De Pree Co. No sentence was imposed against Willis A. Diekema.

M. L. WILSON, *Acting Secretary of Agriculture.*

29794. Misbranding of Dr. McCane's Pep Tonic. U. S. v. T. A. McCane (Queen Ann Co.). Plea of guilty. Fine, \$100. (F. & D. No. 40825. Sample No. 53658-C.)

The labeling of this product contained false and fraudulent representations regarding its curative and therapeutic effects.

On July 27, 1938, the United States attorney for the Northern District of Georgia, acting upon a report by the Secretary of Agriculture, filed in the district court an information against T. A. McCane, trading as the Queen Ann Co. at Atlanta, Ga., alleging shipment by said defendant in violation of the Food and Drugs Act as amended, on or about August 23, 1937, from the State of Georgia into the State of Alabama, of a quantity of Dr. McCane's Pep Tonic which was misbranded. The article was labeled in part: "Dr. McCane's Pep Tonic * * * Homer Hill, Jr. * * * Mobile, Ala."

Analysis showed that the article consisted essentially of an aqueous solution of iron chloride, magnesium sulfate, and sodium lactate, with a small amount of plant material and a minute amount of an unidentified alkaloid.

The article was alleged to be misbranded in that certain statements and a design regarding its curative and therapeutic effects, appearing in the labeling, falsely and fraudulently represented that it was capable of imparting pep and of acting as a general tonic; was a remedy for ailments originating in the blood, liver, and kidneys; was a remedy for sick headaches, tired, dizzy feeling in the morning, habitual constipation, indigestion, sour stomach, biliousness, and bad liver with coated tongue; was helpful in the prevention of flu, and was "so remedial and helpful, irrespective of whatever the user thereof might eat"; that it was effective medicinally in the treatment of diseases and disorders of the heart, liver, kidneys, and intestines; that it was effective to correct bad kidneys and to prevent or avert backache, rheumatism, and dizzy feelings, to purify the blood, to remedy bad blood, and to prevent torpid liver and high blood pressure by cleansing and activating the liver and removing the bile therefrom; that it was effective as a remedy for laziness and a drowsy, tired sleepy feeling; was effective to cause persons who feel well to feel better and to give them a new lease on life, to relieve in one day bad cough, la grippe, fever, weakness and tired feeling, pain in neck, side, or shoulders; that it would relieve bad headache in 2 hours; that it was effective in the treatment of sick stomach, belching, bladder or kidney trouble, rheumatism, women's trouble; and was effective to "fix" the user thereof so that his work would not tire him, and would enable him to do his work with an ease amplified 10 times.

On October 3, 1938, a plea of guilty was entered by the defendant and the court imposed a fine of \$100.

M. L. WILSON, *Acting Secretary of Agriculture.*

29795. Adulteration and misbranding of Kalms. U. S. v. 199 Packages of Kalms. Default decree of condemnation and destruction. (F. & D. No. 41828. Sample No. 13905-D.)

The labeling of this product bore false and fraudulent curative and therapeutic claims, and it further indicated that the product when taken according to directions, was a safe and appropriate medicament; whereas it was a dangerous drug when taken as directed.

On February 25, 1938, the United States attorney for the District of Massachusetts, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 199 packages of Kalms at Boston, Mass.; alleging that the article had been shipped in interstate commerce on or about October 5, 1937, and January 19, 1938, by Seabury, Inc., from New York, N. Y.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Analysis showed that the article consisted of tablets containing as essential medicinal ingredients: Aminopyrine (amidopyrine, 2½ grains per tablet), antipyrine, and caffeine.

The article was alleged to be adulterated in that its strength fell below the professed standard under which it was sold, namely, (metal container) "Kalms Formula (* * *) Amidopyrin 3 grains."

It was alleged to be misbranded in that the device "Kalms" on the metal container and display carton, and the statements on the display carton, "Relief For Headache Neuralgia Muscular & Rheumatic Pains * * * that storm of Pain will yield to Kalms * * * Kalms are suggested for Colds * * * Headache, Neuralgia, Muscular and Rheumatic Pains," and the statements on the metal container, "Rapid Pain Relief For headache, colds, neuralgia, muscular and rheumatic pains * * * Kalms Formula Antipyrin 2 grains Amidopyrin 3 grains Caffein $\frac{1}{2}$ grain Directions Take one or two Kalms tablets at first indication of pain. If relief does not follow in half hour, take one tablet. Do not repeat dose thereafter for two hours," were false and misleading in that they created the impression that the article when taken as directed, was a safe medicament; whereas when taken as directed, it was not safe but was a dangerous medicament.

Misbranding was alleged further in that the device and the above-quoted statements, regarding the curative and therapeutic effects of the article, were false and fraudulent in that they created the impression that the article when used as directed, was a safe and appropriate medicament for the disease conditions mentioned; whereas it was a dangerous medicament when used as directed. Misbranding was alleged further in that the following statements on the metal container and display carton regarding the curative or therapeutic effects of the article were false and fraudulent: (Metal container) "Rapid Pain Relief For * * * neuralgia * * * and rheumatic pains"; (display carton) "Relief For * * * Neuralgia * * * & Rheumatic Pains * * * Kalms are suggested for * * * Neuralgia * * * and Rheumatic Pain * * * that storm of Pain will yield to Kalms."

On November 14, 1938, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

M. L. WILSON, *Acting Secretary of Agriculture.*

29796. Adulteration of nitroglycerin tablets and misbranding of Glophen Tablets. U. S. v. Westwood Pharmacal Corporation. Plea of guilty. Fine, \$100. (F. & D. No. 39503. Sample Nos. 20117-C, 27759-C, 54725-B.)

This case involved nitroglycerin tablets which contained less nitroglycerin than declared on the label, and Glophen Tablets which contained sodium nitrite in excess of the amount declared.

On June 21, 1937, the United States attorney for the Western District of New York, acting upon a report by the Secretary of Agriculture, filed in the district court an information against the Westwood Pharmacal Corporation, Buffalo, N. Y., alleging shipment by said company in violation of the Food and Drugs Act on or about February 28 and September 23, 1936, from the State of New York into the State of Pennsylvania of quantities of nitroglycerin tablets which were adulterated, and on or about February 4, 1937, from the State of New York into the State of New Hampshire of a quantity of Glophen Tablets which were misbranded. The articles were labeled respectively: "Nitro Glycerin 1/100 gr. * * * Prepared for Physicians Service Co. Sayre, Pa."; and "Glophen (Marcy) * * * Sodium Nitrite 1 Gr. * * * Distributed by E. H. Marcy Drug Co. * * * Hillsboro, N. H."

The nitroglycerin tablets were alleged to be adulterated in that their strength and purity fell below the professed standard and quality under which they were sold in that each tablet was represented to contain one one-hundredth of a grain of nitroglycerin; whereas each tablet did not contain one one-hundredth of a grain of nitroglycerin, but did contain a less amount, samples from the two shipments having been found to contain one one-hundred twenty-fifth of a grain and one one-hundred thirtieth of a grain, respectively, of nitroglycerin, per tablet.

The Glophen Tablets were alleged to be misbranded in that the statement "Sodium Nitrite 1 Gr.," borne on the label, was false and misleading in that it represented that each tablet contained 1 grain of sodium nitrite, whereas each of said tablets contained more than 1 grain, namely, not less than 1.175 grains of sodium nitrite.

On November 18, 1938, a plea of guilty was entered on behalf of the defendant, and the court imposed a fine of \$50 on each of the three counts but suspended payment on count 1.

M. L. WILSON, *Acting Secretary of Agriculture.*